

BUILDING CONTROL PARTNERSHIP (BCP) MEMORANDUM OF UNDERSTANDING 2021

APPENDIX B

Executed on xxxxxxxxx 2021

This is the Memorandum of Understanding ('MOU') referred to in the Deed of Delegation dated xxx xxxxxxxxx 2021 between Fareham Borough Council, Gosport Borough Council and Portsmouth City Council ("the Deed") for the joint provision of building control services and is intended be read in conjunction with that Deed.

The Councils recognise that this is a living document and is subject to amendment by agreement between them at any time.

All other Memorandums of Understanding dated prior to the last executed version of this MOU shall be superseded and deemed null and void.

1.0 Objectives for the Partnership

1.1 The Building Control Partnership (BCP) between Fareham Borough Council, Gosport Borough Council and Portsmouth City Council ("the Partnership") shall have the following objectives:

- (a) To provide flexible, effective, and efficient, customer focused services that exceed customer expectation and actively contribute to the achievement of the corporate aims and objectives of the constituent Councils.
- (b) To generate sufficient income to maintain self-financing status for fee earning services
- (c) To develop alternative income streams and focus efficiencies to maintain non-fee earning statutory and ancillary service budgets at 2015 levels or below, without reducing service levels.
- (d) To develop and maintain a flexible workforce plan that ensures staff resources and succession plans are matched to meet workload demands, performance targets, available budget, and customer expectation
- (e) To train and develop the BCP workforce, maximise their potential and to ensure the necessary skills, knowledge and expertise is always available to constituent councils and clients.
To introduce and maintain an appropriate number of training grade surveying posts
- (f) To maintain Quality assurance registration to ISO9001.
- (g) To fully support and actively contribute to the major development and regeneration programs of all constituent authorities
- (h) To ensure that all services are provided in a manner that makes best use of technology and staff resources to improve performance, maximise productivity and build capacity.

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- 1.2 These objectives will be kept under review and may be amended from time to time by agreement between the parties.
- 1.3 Purpose statement
- (a) To ensure an accessible, safe, sustainable, and healthy environment in and about new, altered, or extended buildings.
 - (b) To ensure building works` meet the standards laid down in The Building Act, The Building Regulations and associated legislation within the required self-financing regime.
 - (c) To use regulatory powers in a fair and consistent manner in accordance with the BCP enforcement Policy to ensure the health and safety of people in and around all types of new and altered buildings.
 - (d) To ensure all Building Control functions are provided in accordance with statutory requirements and the agreed Performance Standards.
 - (e) To ensure community safety through efficient and timely provision of enforcement, demolition, and dangerous structure services.
 - (f) To provide advice and inspection services for the safety certification of sports grounds under the Safety of Sports Ground Act 1975 and supporting Sports Ground Safety Authority guidance
 - (g) To be a standing member of Safety Advisory Groups for all constituent Partnership authorities
 - (h) To ensure Gosport and Fareham Borough Councils fully meet their obligations to ensure all new and existing properties are provided with effective postal addresses.
 - (i) To work with Local groups, businesses, and individuals within Gosport and Fareham to promote good standards of access to services and to ensure that relevant access and disability advice is available.
 - (j) To provide appropriate, coordinated, and defined services to other internal sections of the constituent Councils.

2.0 Performance

- 2.1 All Partnership services and functions to be provided in accordance with the Partnership Charter (see Appendix 1) and the Quality management system registered to ISO 9001 with the British standards Institution.

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2.2 The Agreed Performance Standards are the following:

	Service	Statutory	Local	Quality assurance
1.	Full Plans applications	Formal decision within 5 weeks or 8 weeks of receipt if agreed by applicant	Examine and contact applicant as soon as reasonably possible with a measure against 15 working days from receipt	
2.	Building notices	None	Acknowledge as soon as reasonably possible with a measure against 15 working days from receipt	
3.	Building Regulation site inspection	24/48 hours' notice to make inspection, depending on type of inspection	Same day visit if notified by 10.30am Completion certificates issued within 5 working days of satisfactory final inspection All live sites visited within 9 months	AM - notification: PM - inspection As local performance standard
5.	Demolition applications	Issue notice within 6 weeks of Submission	Examine and contact applicant as soon as reasonably possible with a measure against 15 working days from receipt	
6.	Approved Inspectors notices	Automatically accepted if not formally rejected within 5 working days	All notices registered and examined within 5 working days of receipt	
7.	Property address service	None	All new properties to be allocated address prior to occupation	Not yet covered by system
8.	Land charge service	Reply within 10 working days of receipt	Reply within 10 working days of receipt	Not yet covered by system
9.	Enforcement of Building control functions	To meet minimum requirements of applicable legislation	In accordance with the BCP enforcement policy and Good Enforcement Concordat	

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	Service	Statutory	Local	Quality assurance
10.	Competent person notifications		To compile and maintain register of all notifications	
11.	Pre-submission and other advice	None	Written reply within 10 working days of receipt. Technical advice to be available throughout office hours	

3.0 Service performance measurement and reporting

- 3.1 The Partnership will carry out its functions in accordance with the Building control performance standards published by the DCLG and will aim for upper quartile performance measured against the reported results
- 3.2 Business and performance monitoring data/reports will be generated using the Ocella application system and the Management information system and presented to BCP panel meetings

4.0 Operational framework

4.1 Formal decisions

- 4.1.1 Reports requiring a formal decision will be sent to the relevant formal decision-making body using the normal procedures of the respective Councils.

4.2 The BCP Panel

- 4.2.1 All formal decisions requiring Council approval will first be presented in report format to the Panel for consideration and recommendation. Panel meetings are programmed to occur as a minimum twice annually and are formally minuted. The Panel has overview responsibility to receive reports, review, monitor and make recommendations as appropriate to the Constituent Councils/BCP Officer group in respect of the following:

	Responsibilities	Frequency
1.	Strategic direction and priorities	At each meeting
2.	Objectives, policy and annual review	On-going/Annually
3.	Business plan, action/service plan	Annually
4.	Financial position	At each meeting
5.	Business and performance targets	At each meeting
6.	Budget and charge setting	Annually
7.	Risk registers/actions plans	At each meeting
8.	Health and Safety Policy	Annually

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4.3 The Officer Group

4.3.1 Officer Group meetings are arranged to suit operational management with agreed actions minuted. The Group has responsibility to consider and agree Partnership actions in respect of the following

- (a) Financial report
- (b) Staffing issues
- (c) Workload issues/other service requests
- (d) Operational issues and risk management
- (e) PCC/GBC/FBC corporate tasks/issues
- (f) E-government initiatives and progress/business transformation board
- (g) Partnering/new work areas
- (h) Audit recommendations
- (i) Health and Safety issues
- (j) Any other business

4.4 Office management

4.4.1 Monthly programmed office meetings involving all Partnership staff will be used to cascade necessary information up and down the management framework. The frequency of this meeting may be adjusted to suit operational requirements.

5.0 Employment and Staff Resources

5.1 The Partnership will maintain an administrative and reception function at its main office located at The Depot, Broadcut, Fareham, or such other site as agreed in writing by the Officer Group. Agreed hot desk working facilities will be provided at each constituent council main office.

5.2 Fareham Borough Council will maintain and keep filled the established posts required to deliver the Partnership unless otherwise agreed.

5.3 Each employee is bound by the terms of their own contract of employment and the employment policies of their employer, subject to clause 6.1 of the Agreement

5.4 New staff will be recruited using the recruitment policies and procedures applicable to Fareham Borough Council or as otherwise agreed in writing by the Councils.

5.5 The Partnership has its own Health and Safety Policy linked to the Fareham Borough Council corporate Health and Safety Policy.

5.6 The Head of Building Control Partnership will use the Performance Development Review (PDR) system operated by Fareham Borough Council for the Partnership.

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- 5.7 An agreed training plan for all Partnership staff will be developed from the output of the PDR system and administered in accordance with the procedures documented in the BCP quality system.
- 5.8 The Out of Hour's Dangerous Structure service will be based on the Gosport Borough out of hours system using stand-by contractors as required for emergency action.
- 5.9 Statistical information in respect of personnel matters will be generated as applicable from the Fareham Borough Council personnel systems.

6.0 Financial

- 6.1 The Partnership will adhere to the Financial Regulations of Fareham Borough Council.
- 6.2 The spending authorisation limits for the Head of Building Control Partnership and other officers of the Partnership exercising managerial responsibilities shall be those approved by Fareham Borough Council.
- 6.3 Authorisation for sums above the limits of the Head of Building Control Partnership shall be by the Fareham Representative and then by the other agreed signatories within Fareham Council (see table below). Any sums above this authorisation will be authorised by the statutory officer of Fareham Borough Council or referred to the Panel.

Designation	Authorisation of Orders and Invoices	GPC cards	Authorisation of subsistence, travelling, overtime payments etc.
Director	No limit	£5000	Any claim from a post holder who reports to them
Head of Building Control	£100000	£2000	
Area Team Manager	£10000	£1000	

- 6.4 The Partnership will adhere to the Contract Standing Orders of Fareham Borough Council

7.0 ICT Services

- 7.1 All Partnership staff must comply with all security policies applicable to the system being used.

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7.2 ICT services will be provided to the Partnership in accordance with costed service and support agreements with individual constituent authorities.

8.0 Risk Management and Assurance

8.1 Risk management and assurance for the Partnership will be in accordance with the agreed protocol (see appendix 2)

9.0 Non-statutory Building Regulation Fee Earning Work

9.1 Legal responsibility for this type of work, including maintaining appropriate insurance cover, will rest with Fareham Borough Council. In the event of the Partnership being terminated, any work currently being undertaken will be completed by Fareham Borough Council. Responsibility for new work after termination will be determined by the client in conjunction with the constituent authorities.

9.2 All cost incurred in the provision of this type of work and all income generated will be apportioned under the provisions of Schedules 2 of the Deed of Delegation.

PARTNERSHIP CHARTER

The Building Control Partnership has been formed by Fareham Borough Council, Gosport Borough Council and Portsmouth City Council with the aim of providing customers with services that are efficient, friendly and represent good value for money. We operate under a quality management system registered under ISO9001 and externally audited by the BSI.

We will continue to ask our customers what level of service they want from us. This Charter contains details of our services and the standards we will guarantee to customers.

Our Staff

When customers talk to us, they will find our staff friendly, courteous, and at all times ready to offer common sense, down-to-earth practical advice when dealing with building projects.

We are highly qualified, impartial, and publicly accountable so customers can rely on the information we give them. We also enjoy a close liaison with all other Local service providers, so if we can't help, we often know someone who can.

The Services we provide

The main services include:

- Building Regulations: - Plan examination and Site Inspection
 - Dangerous Structures
 - Demolitions
 - Road Naming and Postal Numbering*
 - Access Officer for the Disabled*
- *not in Portsmouth

The Building Control Partnership is committed to achieving the following levels of service which greatly exceed those normally expected or required by legislation.

CUSTOMER CARE

- All letters of enquiry will be answered within 5 working days of receipt.
- Staff will always wear name badges when in the office.
- A professional Surveyor will always be available during the working day, either in person or over the telephone, to provide general information and advice.
- We will respond to any complaints within 10 working days.
- All our letters and documents will be in plain language.
- All telephone calls received within Building Control during BCP office hours (08.45-17.15) will be answered promptly, normally within 6 rings.

- We will always be pleased to arrange timed appointments at your convenience.

BUILDING REGULATION SERVICES

- All Full Plans applications will be examined within 15 working days. Every application will be acknowledged within 5 working days and the Surveyor dealing with your application identified.
- All Building Notice applications will be acknowledged together with, if necessary, a request for additional information within 15 working days.
- Pre-submission consultancy will always be available.
- Site inspection visits requested up to 10.30 a.m. will be carried out the same day. PM requests are booked for a visit a.m. or as required the next day.
- Surveyors will always be contactable through the Building Control Office during the normal working day.
- In the case of an unforeseen problem, we will aim to have a surveyor visit within 1 hour.
- An out of hour's service will always be available by arrangement.
- A completion certificate will be issued within a maximum of 5 working days of the project being satisfactorily completed.

DANGEROUS STRUCTURES

- All sites reported and assessed as dangerous will be inspected on the same day as the notification is received.
- All immediately dangerous structures will be either made safe or adequately fenced-off without delay.

DEMOLITIONS

- All statutory notices will be processed within a maximum of six weeks.
- A Notice will always be issued to the applicant listing all necessary conditions.
- Site inspection and monitoring will be carried out when notification is received.

STREET NAMING AND POSTAL NUMBERING (within Fareham and Gosport)

- 90% of all properties will be issued with postal addresses prior to occupation.
- The remaining 10% will be issued within 3 months of occupation.

All the above standards are the minimum you should expect from us. Our aim is to exceed these wherever possible.

VALUE FOR MONEY

Our services are continually assessed to ensure they offer the highest levels of quality and efficiency.

Building Regulation charges are set at a level to cover expenditure.

RAISING THE STANDARDS

It is our intention to ensure our customers are always fully satisfied with the services we provide.

It is only by listening to our customers, that improvements can be made. We positively encourage contact from any customer who is not totally satisfied with the service we have provided or can offer suggestions as to possible improvements.

The Building Control Partnership has a comprehensive complaints procedure in place. If a customer has a complaint, we will investigate the matter immediately and make an initial response within 10 working days.

All constituent authorities also operate a Council wide complaints procedure. Information outlining these procedures is available from Gosport Town Hall, Fareham Civic Offices or Portsmouth Civic offices (or via each Council's website).

Finally, customers are able to contact their local Councillor or the Local Ombudsman to further investigate any complaint if they are not satisfied with our response.

We are continually trying to raise standards where possible and any comments will always be treated very seriously and acted upon where possible.

**Building Control Partnership Key Assurance Processes for the 3 Councils
As at September 2020**

Governance Requirement	Which Authority's Process to be Used	Outline of the Process
<p align="center">Risk Management</p>	<p align="center">Fareham BC</p>	<p><u>FBC System as at September 2020</u></p> <p>The Head of Service attends a 2-hour mandatory Risk Management Interview every year. During this interview examples and evidence is being sought to demonstrate effective risk management in the service. Any risks which had been highlighted where actions were still needed in the previous interview were also followed up.</p> <p>The interviewers take notes during the interview and after the interview, they list the risks and opportunities that were discussed. They also chose 2-4 risks which are then written up fully in that the risk is defined and the actions completed or in progress are listed. The risks are then classified as:</p> <ul style="list-style-type: none"> • Examples of new actions taken anticipating risks or opportunities • Examples of actions taken reacting to risks or incidents • Risks noted where further actions are still needed <p>The full write ups (and the risk list) then feed into the next 6 monthly risk management assurance report which is presented to the Senior Management Team and the Audit and Governance Committee.</p> <p>The Risk management interview write up will also be shared with the Chief Internal Auditors at Gosport BC and Portsmouth BC for expansion to fit the local schemes where necessary.</p>
<p align="center">Internal Audit Assurance</p>	<p align="center">Portsmouth CC</p>	<p>Service classified as High Risk in the Audit Universes. It will therefore be audited at a minimum every 5 years. Next audit is scheduled for 2021/22.</p> <p>If any high-risk action is identified as a result of the audit, then a further audit will automatically be undertaken in the following year.</p> <p>Audit to include formal sign off of previous actions arising, testing of fraud risks and testing of the accuracy of Performance measure reported to the Panel.</p> <p>The other Chief Internal Auditors to be consulted as to the scope of the audit before it commences.</p> <p>The other Chief Internal Auditors to be provided with a copy of the final report.</p>

APPENDIX 2

Governance Requirement	Which Authority's Process to be Used	Outline of the Process
		Results of audit to be reported to the Partnership Panel.
Recommendation Implementation Monitoring	Fareham BC	<p>Actions arising from the audit will be fed into the FBC Action Management system and an updated status obtained from the Building Control Manager each year.</p> <p>The other Chief Internal Auditors to be provided with the annual statistics on the level of recommendations implemented and outstanding.</p> <p>Formal audit follow-up of agreed actions and sign off will be to be undertaken as part of the planned audit work (by Portsmouth CC).</p>
Counter Fraud and Bribery Assurance	Portsmouth CC	<p>Fraud risks are maintained on the Portsmouth CC Fraud Risk Register. This also now recognises bribery risks for this service</p> <p>Periodic fraud assurance updates are carried out – and are covered in the planned Internal audit pre-audit research and testing.</p>
Performance Management	Portsmouth CC	<p>The service maintains Quality Assurance accreditation which is independently assessed each year by BSI and subject to bi-annual quality audits (last inspection October 2020).</p> <p>Performance Targets are set out in the partnership Memorandum of Understanding and Customer Charter. Performance against performance indicators are reported to the Building Control Partnership Panel.</p> <p>The accuracy of the measures will be covered in internal audit assurance work.</p> <p>Service plan requirements to follow the process at Portsmouth CC, which is currently as part of the Planning and Economic Growth portfolio. This will be adapted to meet the needs of the Gosport BC process.</p>
Partnership Governance Assurance	Gosport BC	Lead officer annual summary of the governance and effectiveness of the partnership submitted to the collating service, for partnership presentation to Senior Management Team and Audit Committee. Gosport BC to implement a new process to achieve this assurance and provide the assurances to the nominated officers at the other 2 councils.
Service Assurance Statements Policy compliance survey	None	No longer required by any of the 3 authorities

Signed on Behalf of Fareham Borough Council

Authorised Signatory

Date:

Signed on Behalf of Gosport Borough Council

Authorised Signatory

Date:

Signed on Behalf of Portsmouth City Council

Authorised Signatory

Date: